

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TRUSTEES of the NORTHERN NEVADA
OPERATING ENGINEERS HEALTH &
WELFARE TRUST FUND, et al.,

Plaintiffs,

v.

MACH 4 CONSTRUCTION, et al.,

Defendants.

3:08-CV-0578-LRH-WGC
3:09-CV-0565-LRH-WGC

ORDER

Before the court is defendants' motion to strike plaintiffs' post-trial reply brief (Doc. #154).
Doc. #155.¹

Pursuant to Fed. R. Civ. P. 12(f), a court may strike any pleading for redundant, immaterial, impertinent, or scandalous material. Here, defendants contend that the court should strike plaintiffs' reply brief because it was filed 4 ½ minutes past the filing deadline. *See* Doc. #154.

The court finds that plaintiffs' late filing was due to excusable neglect. Further, defendants have failed to show that they were prejudiced by a 4 ½ minute delay in the filing of the reply brief. Therefore, the court shall deny the motion to strike.

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¹ Refers to the court's docket number.

1 IT IS THEREFORE ORDERED that defendants' motion to strike (Doc. #155) is DENIED.

2 IT IS SO ORDERED.

3 DATED this 20th day of April, 2012.



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LARRY R. HICKS
6 UNITED STATES DISTRICT JUDGE